

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
CIVIL CASE NO. 1:18-CV-994- TDS-LPA**

JOHN BONE, et al.,

Plaintiffs,

v.

UNIVERSITY OF NORTH CAROLINA  
HEALTH CARE SYSTEM,

Defendant.

**MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

NOW COME PLAINTIFFS, by and through undersigned counsel, and hereby move the Court pursuant to Fed. R. Civ. P. 7 & 56 and L.R. 7.3 and 56.1 for partial summary judgment. In support hereof, Plaintiffs show the following:

1. Plaintiffs filed this action under Title II of the Americans with Disabilities Act (“ADA”), Section 504 of the Rehabilitation Act (“Section 504”), and Section 1557 of the Affordable Care Act (“Section 1557”) against the University of North Carolina Health Care System (“UNCHCS”) for its failure to provide blind individuals auxiliary aids and services, specifically accessible document formats, to ensure equally effective communication.
2. Discovery in this matter closed on March 1, 2021. Following the close of discovery, there are no genuine issues of material fact that the individual Plaintiffs are persons with a disability; who were qualified to receive, and did receive, healthcare services from UNCHCS; who requested auxiliary aids and services,

specifically accessible document formats, from UNCHCS; and that despite these requests, UNCHCS provided inaccessible, standard-print documents to the individual Plaintiffs.

3. Plaintiffs move for summary judgment that UNCHCS violated the ADA, Section 504, and Section 1557 when it failed to provide the individual Plaintiffs with accessible document formats and seek entry of an order awarding injunctive relief.
4. Plaintiffs move for summary judgment that UNCHCS acted with deliberate indifference and is liable to the individual Plaintiffs for its violation of the ADA, Section 504, and Section 1557, such that compensatory damages should be assessed and awarded, and seek entry of an order scheduling a trial on damages.
5. As grounds for this motion, Plaintiffs submit the accompanying memorandum in support thereof and exhibits. Due to the sensitive and confidential nature of many of the documents submitted as exhibits in support of this Motion, Plaintiffs are additionally filing a Motion seeking permission to file documents under seal.

**WHEREFORE**, Plaintiffs request that the Court grant their Motion for Partial Summary Judgment and set this matter for a trial on damages. A proposed order is attached.

Respectfully submitted this 30th day of March, 2021.

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